

REMARKS

In the Office Action of February 23, 2005, claims 1-8 and 14 stand rejected under §112 as indefinite due to the lack of antecedent basis for “said van floor” and lack of clarity as to the walls the tracks are provided on. In addition, claim 14 is objected to as it fails to further limit the article claims as it adds no additional structure. The claims of the patent are also rejected under §103 as being obvious over Armentrout, U.S. Patent No. 2,950,1236, in view of either Sievert, U.S. Patent No. 5,199,729, or Schrecongost, U.S. Patent No. 5,255,765.

Claim 1 has been amended to make clear that “said van floor” relates back to the floor of the delivery vehicle body, and part (a) has been amended to make it clear that the tracks are provided on the side cart walls. The term “securing parts” has been substituted for “tracks” in claim 1 and this is believed to be a broader term. Claims 9 and 14 have been rewritten so that claim 14 provides the additional limitation of a bulk pallet in the rear of the vehicle body. In reviewing the office action of February 23, 2005 in connection with the claims, it became apparent that the claims could be more clearly drafted and accordingly, a variety of amendments have been made in both part (b) of claim 1 and in claims 2 – 10, and 15 to more clearly describe the invention. In addition, new dependent claims 16 – 20 have been proposed.

Turning then to the rejections under 35 U.S.C. §103, claims 1 -3, 5, 9 – 13, and 15 stand rejected as obvious over Armentrout in view of Sievert. Armentrout certainly discloses a freight transport cart, however, it appears most likely to be designed for use in the motor freight industry and the transport of packages rather than the direct store delivery industry in which products would be stacked in the cart. This becomes apparent when it is seen that Armentrout spends no effort addressing concerns with stacks of items in the bin falling out into the freight compartment. With stacked products, after a height of several feet is reached, the tendency for

the product stack to tilt and fall into the freight compartment if unrestrained as the vehicle stops, starts and maneuvers is pronounced and must be addressed. The freight carts of Armentrout are also certainly designed to join with like carts. Unfortunately, the language of claim 1 as originally presented did not make it clear that the securing parts of the claim are on an interior side of a cart wall and are not intended to be joined with the vehicle wall, but instead to be joined with a clip on the tarp. The rail **10** of Armentrout is provided for securing the cart to the delivery vehicle body wall. The securing parts of claim 1 are intended to secure with a clip on the tarp. Claim 1 has been amended, not to narrow the claim, but to clarify this structure which distinguishes the claimed invention over the prior art.

Sievert also discloses a baggage cart that is equipped with a tarp-like element, specifically vinyl curtains **53** which hang from overhead brace members **42, 46**. These vinyl curtains **53** are stated to provide protection from inclement weather (Sievert, at Col. 3, lines 48-52). The curtains of Sievert do not disclose any fastening or securing parts. It seems from Fig. 2 in Sievert that these curtains are simply intended to hang over the storage area of the cart and provide protection against rain or snow. Because the carts of the present invention are intended for use in a delivery van, protection against weather is not needed and there would be no motivation to combine the carts of Armentrout with the weather protecting curtains of Sievert.

Furthermore, without a fastening clip on the inside of the wall, it is difficult to pull a tarp across a stack of product in the cart and restrain the product against movement. Indeed, as reflected in amended claim 7, it may also be desirable to have securing parts on the interior rear wall of the cart so that the tarp can be fastened to the rear wall as illustrated in phantom in Fig. 5f of the current application. The fastening to interior walls permits the tarp to snug to product stacks within the cart. Sievert discloses no fastening mechanisms, either for the tarp-like curtains

or securing parts on interior walls of the cart that would enable its cargo to be secured in any fashion by the tarps 53. With respect to claims 2 and 3, the securing parts are now clearly identified as being within tracks on the interior of the first side cart wall. Examples of such securing parts are the rows of E-track 46a, 46b in Fig. 5b of the present application. The upper and lower groups of securing parts such as upper and lower E-tracks 46a, 46b are specifically claimed in amended claim 5.

Claims 2 – 9 and newly proposed claims 16 – 20 depend from claim 1, and it is believed that these claims are all allowable as a result of clarification in the invention claimed in claim 1.

Claim 9 has been amended to claim the vehicle body and cart in combination and requires that the door be movable across a portion of the front of the cart to urge the product configuration against a rear wall of the cart. This is because a significant purpose of the door covering the product is to maintain stacks of product in the cart during transport in the delivery vehicle. Product is preferably stacked several feet high on mini pallets within the carts, and in the absence of restraint, stacks may easily tip over and spill into the aisle during vehicle movement resulting in damaged product, delivery errors, and wasted time. As discussed above, the sliding cover 53 of Sievert is only offered to provide protection from inclement weather and serves no function of urging contents of the cart against a wall of the cart. Accordingly, claim 9 and its dependent claims 10 – 15 and newly proposed claims 19, 20 are now believed to be allowable.

Because of the application of the tarp to hold product within a cart is novel within the field of the invention, the applicant does not believe it is appropriate to take official notice of unrelated arts such as sailing or fittings from luggage protectors described in Schrecongost. However, such matters need not be addressed in depth as they are not germane to the two

independent claims 1 and 9, which as amended to clarify the meaning of the claims, are now believed to be in proper form for allowance, together with their dependent claims.

A petition for extension of the first month is enclosed together with the requisite fee of \$120.00. A request to correct inventorship and the requisite fee also accompanies this Amendment and Response.

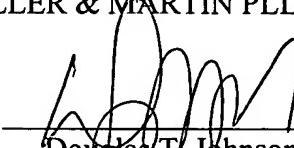
As amended and for the reasons set forth above, applicant submits that claims 1 through 20 of the present application now stand in proper form for allowance and such favorable action is requested.

Date: 6/2/05

Respectfully submitted,

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